

LAW OFFICES OF BOBBI C. STERNHEIM

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bc@sternheimlaw.com

March 30, 2020

Honorable Andrew L. Carter, Jr.
United States District Judge
United States Courthouse
40 Foley Square
New York, NY 10007

Re: *United States v. Malik Hawkins*
19 Cr. 846 (ALC)

Dear Judge Carter:

Due to the COVID-19 pandemic, its impact on the BOP population, and MDC's inability to provide the care and equipment needed by Malik Hawkins, I write to request that the Court grant Mr. Hawkins temporary release on bond.

Mr. Hawkins is paraplegic with limited use of his left hand. He has serious nerve damage and suffers from bed sores. The wheelchair provided by the MDC is not suitable for Mr. Hawkins and a physician has prescribed that Mr. Hawkins use his own personal wheelchair, which I have endeavored to get admitted into the facility. In addition, Mr. Hawkins requires a shower chair and medical attention for bed sores. He has fallen in the shower and has at least two open wounds that require immediate attention. My contacts with MDC have been frustrating at best and have not remedied these problems. Mr. Hawkins called again today to report the status quo. My emails to the MDC are attached.

I have been receiving numerous emails and calls regarding the spread of the corona virus in the MDC, where inmates have tested positive for COVID-19. The virulence of this contagion coupled with Mr. Hawkin's open wounds heighten his vulnerability to the virus. We are available to appear telephonically should the Court wish to conference the matter. I have notified the government of this situation and await a reply.

Current Status

Jails and prisons are inherently petri dishes for contagion and are especially unsafe during this time. They are over-crowded, making it impossible for inmates and staff to exercise the social distancing necessary to prevent the spread of COVID-19. Inmates live in close quarters, sharing dining tables, toilets, showers and sinks. Social distancing is impossible in densely populated facilities. Inmates at MDC are ill, some have tested positive, and densely populated units are on lock down. Mr. Hawkins is housed in a unit where the beds are at best a couple of feet from each other on all sides. The unit is not adequately cleaned and there are not enough cleaning supplies on hand. The Bureau of Prisons does not permit disinfectants that contain alcohol, an ingredient that is highly recommended to curtail the spread of the virus. A federal inmate in the Midwest has died due to COVID-19. *See* <https://abc7chicago.com/health/1st-federal-inmate-dies-from-coronavirus;-health-experts-consider-jails-prisons-potential-epicenters/6060003/>.

Mr. Hawkin's personal disability and the BOP's inability to respond to his medical needs warrant consideration for release. The current pandemic, its impact on MDC inmates, especially those with pre-existing medical/health issues, are exceptional reasons for release during this health crisis. Mr. Hawkins would return to his home where he resides with his grandmother.¹

In light of the unique and extraordinary circumstances posed by the COVID-19 pandemic, Malik Hawkins is at heightened risk of infection while imprisoned in the MDC. The likelihood of virulent contagion in the facility coupled with his personal medical issues warrant release on bond during this catastrophic time. Alternatively, the Court should order the MDC to show cause why it has failed to address Mr. Hawkin's medical needs.

¹ Mr. Hawkin's was release on home confinement and location monitoring following his arrest in this case. His bond was revoked prior to the outbreak of the virus for non-compliance and arrest for domestic abuse of a girlfriend who visited his home, a charge that is likely to be dismissed. Mr. Hawkin's will assure the Court that he will be where he is required to be at all times without contact with anyone beyond his household.

Your consideration if greatly appreciated.

Very truly yours,
Bobbi C. Sternheim
BOBBI C. STERNHEIM

Enc.

cc: AUSA Louis Pellegrino
AUSA Juliana Murray

BS

From: BOBBI C STERNHEIM bcsternheim@mac.com
Subject: ATTN- WARDEN, MEDICAL & LEGAL re: MALIK HAWKINS 87676-054
Date: March 27, 2020 at 11:42 AM
To: BRO/AttorneyMedicalRequests BRO/AttorneyMedicalRequests@bop.gov, Nicole McFarland nicole.mcfarland@bop.gov, bro/execassistant**@bop.gov**
Cc: David Patton David_Patton@fd.org

I write again regarding the special needs of my client-
Malik Hawkins 87676-054 - due to his paraplegia.
As directed by MDC (see below), Mr. Hawkins notified his unit manager- Mr. Fire (sp? -) requesting authorization to receive a package form to facilitate receipt of his personal wheelchair, prescribed by MDC Medical. The unit manager summarily stated- 'It's a medical matter.' Mr. Hawkins contacted medical.
This issue is lingering without resolution.
In addition, as I previously informed you, Mr. Hawkins requires a shower chair. He showered in the wheelchair provided by MDC and fell in the shower.
In addition, he has two bedsores on his lower back and requires daily wound care, which is not being provided.
Please be advised that if these matters are not resolved by the end of today, I will be filing an expedited order to show cause requiring the MDC to explain its failure or inability to accommodate the needs of a paraplegic inmate.
If you wish to discuss this, you may reach me at 917-912-9698.

Thank you-

Bobbi

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Thank you for your consideration. Our best wishes for your good health and well being.

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On Mar 23, 2020, at 2:19 PM, BOBBI C STERNHEIM <bcsternheim@mac.com> wrote:

Good afternoon-
I have spoken with Malik Hawkins. Per your direction, I have informed him to contact his unit manager for authorization to receive a package form to facilitate receipt of his personal wheelchair. Due to his paraplegia, Mr. Hawkins is experiencing nerve pains and spasm. He puts in requests for sick calls and has not been seen by medical staff since March 10th, the day after his admission to MDC. He needs a shower chair. He needs an "egg crate" bed cushion to prevent bed sores. Please facilitate these requests.
Thank you-
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On Mar 20, 2020, at 5:10 PM, BRO/AttorneyMedicalRequests <BRO/AttorneyMedicalRequests@bop.gov> wrote:

Bobbi,

I'm not sure if anyone got back to you yet. If not, please inform your client he should ask his unit team to complete an authorization to receive a package form. This will help facilitate the process of bringing in the personal chair.

Thank you.

>>> BOBBI C STERNHEIM <bcsternheim@mac.com> 3/18/2020 2:47 PM >>>

Good afternoon-

I am following up on my previous email (below) concerning a wheelchair for Malik Hawkins- 87676-054. He contacted me again and informed me that he has not been provided a wheelchair suitable for his medical needs and that Dr. Bradwish prescribes use of Mr.

Hawkin's personal chair.

Please contact me to address this issue.

Thank you.

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Good afternoon-

I just received a call from my above-named client detained at MDC. He is paraplegic and Dr. Bradwisch (sp?) said he should call me because his personal wheelchair is needed.

Please confirm that his wheelchair will be permitted into the MDC and I will arrange to have it delivered.

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Cc: Nicole McFarland nicole.mcfarland@bop.gov

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